

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kia Motors America, Inc.,

Civil No. 06-156 (DWF/JJG)

Plaintiff,

**ORDER OF DISMISSAL WITH PREJUDICE
PURSUANT TO F.R.C.P. 41 AND
VACATING AND RENDERING MOOT
CERTAIN PRIOR COURT ORDERS**

v.

Autoworks Distributing; Applegate Supply;
Wayzata Nissan, LLC, a Minnesota corporation;
Mark Saliterman, an individual dba Wayzata Nissan,
LLC, Autworks Distributing, and Applegate Supply;
Jay Schroeder, an individual dba Wayzata Nissan,
LLC, Autoworks Distributing and Applegate
Supply; and Does 1-10 inclusive,

Defendants.

David N. Makous, Esq., and Paula Greenspan, Esq., Lewis, Brisbois, Bisgaard & Smith LLP; Michael A. Bondi, Esq., Dicke, Billig & Czaja, PLLC; Norman M. Abramson, Esq., and Kelly W. Hoversten, Esq., Gray, Plant, Mooty, Mooty & Bennett, P.A., counsel for Plaintiff.

H. Kenneth Kudon, Esq., Kudon Law Firm; Kent R. Erickson, Esq., Erickson & Kleypas, LLC; and Gregory J. Johnson, Esq., and Daniel M. Gallatin, Esq., Johnson, Provo-Peterson, LLP, counsel for Defendants.

IT IS HEREBY ORDERED THAT:

1. This action is **DISMISSED WITH PREJUDICE** in its entirety pursuant to Fed. Rule Civ. P. 41(a).

2. The following prior interlocutory Orders in this Action are hereby

VACATED AND RENDERED MOOT:

- a. December 7, 2007 Order (Doc. No. 279).
- b. March 19, 2008 Order (Doc. No. 317).
- c. May 29, 2008 Order (Doc. No. 336).
- d. October 17, 2008 Order (Doc. No. 386).
- e. October 17, 2008 Order (Doc. No. 390).
- f. January 12, 2009 Order (Doc. No. 447).
- g. January 21, 2009 Order (Doc. No. 462).
- h. February 26, 2009 Order (Doc. No. 475).

3. There is no prevailing party in this action, and the parties shall bear their own costs and attorney fees.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 6, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court